

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

UNITED STATES OF AMERICA	)	DOCKET NO. 3:05CR281-3-MU
	)	
v.	)	<u>ORDER FOR PRETRIAL</u>
	)	<u>PSYCHIATRIC OR</u>
(3) ELTON RODRIGUEZ	)	<u>PSYCHOLOGICAL EXAMINATIONS</u>
_____	)	

THIS MATTER is before the Court upon Government's motion for psychological or psychiatric examination of defendant, which was filed pursuant to 18 U.S.C. § 4241(a) and (b).

Upon examination of the record and the motions in this case, the Court finds that there is reasonable cause to believe that the defendant may presently be suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense

The record further indicates that the defendant has provided the government with information indicating that the defendant may be mentally incompetent, and that the government is, therefore, entitled to have a psychological or psychiatric examination of defendant conducted as provided by 18 U.S.C. §§ 4241(a)(b)(c) and 4247(b).

Accordingly, on the basis of the foregoing, IT IS, HEREBY, ORDERED:

1. That, pursuant to 18 U.S.C. § 4247(b), the defendant be committed forthwith to the custody of the Attorney General for placement in a suitable facility for the purpose of a psychological or psychiatric examination of defendant pursuant to 18 U.S.C. §§ 4241(a) and (b);

2. That the time period for the examination be calculated to begin upon the defendant's arrival at the designated institution; and
3. That the report of the results of such examination be filed with the Court with copies provided to defense counsel and the United States Attorney as required by 18 U.S.C. §4247(c).

The Court hereby recommends that the evaluation be conducted at the Just Care Facility in Columbia, South Carolina.

The Clerk is directed to certify copies of this Order to defense counsel, the United States Attorney, and the United States Marshal, with two additional copies of transmittal by the Marshal to the warden of the designated institution.

Signed: March 8, 2006



Graham C. Mullen  
United States District Judge

